

REMARKS

Claims 1-9 are pending. No new matter has been presented.

Claim 1 stands rejected under 35 USC102(e) as being anticipated by Lepitre. Claims 2 and 4 stand rejected under 35 USC 103(a) as being unpatentable over Lepitre and further in view of Brothers. Claim 3 stands rejected under 35 USC 103(a) as being unpatentable over Lepitre in view of Brothers and Zirwas. These rejections are respectfully traversed.

Claim 1 has been amended to clarify that the “determining and storing at least one transmission method . . . in memory for different line parameters” is for a plurality of lines and not just a single line.

Lepitre describes a method that uses certain predetermined symbol rates and carrier frequencies (i.e. certain transmission methods) compliant with the V.34 standard. This method does not correspond to determining and storing transmission methods including the limitation "for different line parameters for a plurality of lines" as claimed. Specifically, the method described in Lepitre only includes two major steps: 1) the transfer function of the line that connects the modems is determined by transmitting test sequences; and 2) the optimal transmission rate for this line (having the determined transfer function) is chosen. In other words, the method of Lepitre only determines and stores the different transmission rates for a single line, (i.e. the line that is used in a predetermined environment). Lepitre does not disclose or suggest determining and storing at least one transmission method for a plurality of lines as claimed. This difference is important because the claimed method can be use to optimize the transmission of data in a variety of environments, whereas Lepitre only describes determining a transmission rate for one certain transmission line as a part of a communication only over that specific line.

Since Lepitre fails to disclose or suggest “determining and storing at least one transmission method . . . in memory for different line parameters,” the claims are patentable over Lepitre. In addition, Brothers and Zirwas are not cited by the Examiner as disclosing this feature.

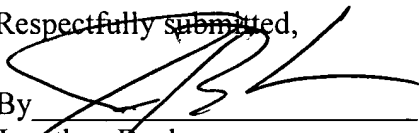
Accordingly, the claims are also patentable over the cited combinations of Lepitre, Brothers and Zirwas.

For the foregoing reasons, the rejections pertaining to claims 1-4 should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **449122022600**.

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Respectfully submitted,

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